

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA  
Montana First Judicial District Court, County of Lewis and Clark

STATE OF MONTANA,	)	
	)	
Plaintiff,	)	
	)	CAUSE NO. DC-15-141
-vs-	)	
	)	D E C I S I O N
JIM RANDOLPH OLIVER,	)	
	)	
Defendant.	)	

On July 7, 2016, the District Court sentenced the Defendant to a commitment to the Montana State Prison for a term of sixty (60) years, for the offense of ATTEMPT (Deliberate Homicide), a Felony, in violation of §§45-4-103(1) and 45-5-102(1)(a), MCA. The Court ordered the Defendant ineligible for parole for twenty (20) years. The Court granted the Defendant credit for time served prior to sentence for the time period of March 22, 2016 – July 7, 2016. The Court ordered the Defendant to pay \$25,000 in restitution, plus an administrative handling fee of \$2,500. The Court further ordered the Defendant to abide by all conditions set forth in the plea agreement and pre-sentence investigation report to exclude 13 (f), (g), (h), and (j).

On May 4, 2017, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division").

The Defendant was present and was represented by Brent Getty of the Office of the State Public Defender. The State was not represented.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 4<sup>th</sup> day of May, 2017.

DATED this 1<sup>st</sup> day of June, 2017.

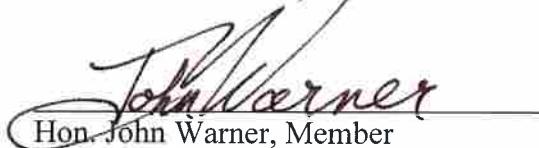
SENTENCE REVIEW DIVISION



Hon. Brad Newman, Chairperson




Hon. Brenda Gilbert, Member



Hon. John Warner, Member

Copies mailed this 2<sup>nd</sup> day  
of June, 2017, to:

Clerk of District Court (Original)  
Jim Randolph Oliver # 2047587, Defendant (2)  
Hon. Kathy Seeley  
Brent Getty, Defense Counsel  
Leo Gallgher, Esq.  
Board of Pardons and Parole  
MSP - Records Dept.



Georgia Lovelady, Judicial Assistant  
Sentence Review Division